THE HONOURABLE SRI JUSTICE V. ESWARAIAH

W.P. No.2252 of 2006

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Date: 13-02-2006

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Between:

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R. Thangavadivelu Chetty,

S/o Late R.Lakshmaiah Chetty,

Aged about 66 tears, Occ: Agriculture,

172, Mogilivenkatagiri Post, & Village,

Bangarupalyam Mandal, Chittoor District.

… Petitioner

And

The District Collector,

Chittoor, Chittoor District and others.

… Respondents

ORDER:

The petitioner questions the 4(1) notification dispensing with the enquiry under Section 5(A) in exercise of powers invoking Sub Section 4 of Section 17 of the Land Acquisition Act, 1894 (for short 'the Act').

It is stated that the petitioner is the owner of 2.54 cents in Survey No.252-A situated at Mogili Venakatagiri Village, Bangarupalyam Mandal, Chittoor District. A notification dated 09-01-2006 has been issued under Section 4(1) of the Act notifying that an extent of 2.52 cents Wet land in Survey No.252/A belonging to the petitioner is required for the purpose of house sites for the weaker sections i.e. B.Cs. and S.Cs. It is also stated that the petitioner

is having total extent of 2.54 cents only, if the entire land is acquired, as notified under the notification, he will have only 2 cents. It is further stated that better lands are available in and around the vicinity and there are also Government lands, but without making any enquiry under Section 5(A) of the Act and dispensing with the same may not be just and proper.

Learned Government Pleader appearing for the respondents also submits that in view of the specific allegations made in the writ petition, it may be just and proper in directing the respondents to conduct enquiry under Section 5(A) of the Act in accordance with law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of at the admission stage directing the respondents to conduct enquiry under Section 5(A) of the Act in accordance with law. No order as to costs.

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V. ESWARAIAH, J

Date: 13-02-2006

NOTE: Issue C.C. in three days

B/o.

LSK